

## II. REZONING PROCEDURES

### II.1 REQUIREMENTS FOR CHANGE

Whenever the public necessity, safety, general welfare, or good zoning practice justifies such action and after consideration and recommendation by the Planning Commission as provided herein, the City Council may change zone district boundaries, use groups or the regulations established by this chapter after public hearing for which public notice is given.

### II.2 INITIATION OF CHANGE

A proposed change of zone district boundaries or regulations may be initiated by the City Council, Planning Commission, or by applicant of one or more of the owners of the property within the area requested to be changed.

### II.3 AREA REQUIRED

Changes in the Comprehensive Plan and Zoning Map involving any zone district, except the Open Space Zone, requires that the area requested for rezoning abuts the existing zone district of the same general classification as that being requested on all or part of at least one side.

### II.4 WRITTEN STATEMENT

All requests for changes in the Comprehensive Plan and Zoning Map must include a written statement outlining the reasons and intent of such a change.

### II.5 FEES AND EXPENSES

All requests for changes in the Zoning Ordinance or Comprehensive Plan and Zoning Map, except those initiated by the City Council or Planning Commission shall be accompanied by a minimum fee as set forth by the Fee Ordinance as amended together with such other costs as are determined by the City to be reasonable.

### II.6 HEARING AND RECOMMENDATION

The Planning Commission shall recommend approval or disapproval, either in whole or in part, of a change initiated by an owner or owners of property within the area requested to be rezoned. Recommendations for such changes shall be presented to the City Council, and an Ordinance embodying such changes, in whole or in part, may be adopted by the City Council after public hearing. Public notice shall be given. In the event of adoption by the City of such changes in part, if such partial adoption has not been recommended as such by the Planning Commission, a favorable vote of the majority of the Council membership shall be necessary.

### II.7 PROTEST AGAINST CHANGE

In case of protest against changes in regulations or restrictions, or changes in the zone district applicable to particular land, which protest is filed with the City Clerk at least twenty-four hours prior to the Council's vote on the change and is signed by the owners

of twenty percent or more of the area of land extending a radius of one hundred feet from the land which is subject to the proposed change, disregarding intervening public streets and alleys, such changes shall not become effective except by the favorable vote of the majority of the Council membership.

## II.8 REZONING PROCEDURES

1. All requests for rezoning shall be upon written application addressed to the City Council and shall contain the following information:
  - a. The names and addresses of the owners of the property;
  - b. A legal description of the property;
  - c. The names and addresses of all adjacent property owners within a radius of one hundred (100) feet of the property requesting the rezoning;
  - d. A detailed explanation of the request for rezoning, including all reasons for the request;
  - e. Supporting documents and maps.
2. The application for rezoning shall be filed with the Planning Commission secretary together with the minimum fee to cover the cost of processing the application, publication, and postage.
3. Upon receipt of an application for rezoning and the fee therefore, the Planning Commission Secretary shall retain the original application on file in the Planning Office, forward one copy to the Mayor and the remaining copies to the Chairman of the Planning Commission.
4. Upon receipt of an application for rezoning the Planning Commission shall set the application for preliminary consideration at the next regular meeting of the Planning Commission which shall be at least fifteen (15) days hence, and give notice of the date thereof to the applicant and mail a notice of the preliminary hearing and date thereof by first class mail to the property owners within a radius of one hundred (100) feet, stating in summary the substance of said application. Copies of said application shall be distributed to all members of the Commission for preliminary study and examination.
5. At the preliminary hearing the Commission shall consider said application, hear comments and objections, and request additional information or make preliminary recommendations and shall set the matter for hearing at the next regular meeting of the Commission.
6. At the public hearing, the Planning Commission shall consider all submitted data, comments, and objections and shall either continue the matter for further information and study for not more than thirty (30) days or shall render its decision to the City Council and the applicant, approving or disapproving or conditionally approving the application, and advise all persons present of the date

when the matter shall appear on the agenda of the City Council.

7. The City Council, upon receiving the recommendations of the Planning Commission shall set the matter on the agenda of the next regular meeting of the City Council, at which meeting the Council shall approve or disapprove the application for rezoning.
8. No request for a rezoning shall be reconsidered by the Planning Commission or City Council until the expiration of one year or a substantial change or circumstances shall have first occurred.
9. Upon approval of any request for rezoning, the secretary of the Planning Commission shall forthwith note the amendment of the official Zoning Map of the City of Manitou Springs, keep appropriate records thereof and notify the clerk and recorder of El Paso County of said amendment of the official Zoning Map.